



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/654,170 Confirmation No. 4327
Applicant : Lonnie F. Gary
Filed : September 9, 2003
TC/Art Unit : 2875
Examiner : Truong, Bao Q.
For : Automatically Erectable Decorative Tree
Docket No. : 35036.00007

Via First Class Mail

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that the papers enclosed herein are being deposited with the United States Postal Service as First Class Mail, with postage prepaid, on the date set forth below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FEB. 27, 2006
Date of Mailing
[Signature] *2-27-06*
Signature Date of Signature

Monty L. Ross, Registration No. 28,899
Attorney for Applicant

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This amendment is filed in response to the office action mailed November 25, 2005 and is accompanied by payment for a two-month extension of the response period for a small entity to and including February 27, 2006, which is hereby respectfully requested.

Applicant hereby provisionally elects Species II (stated by the examiner to include FIGS. 4-8) for examination with traverse. Applicant believes that Claims 1, 2, 4-12, 26-37 and 44-48 are readable on Species II.

Grounds of Traverse

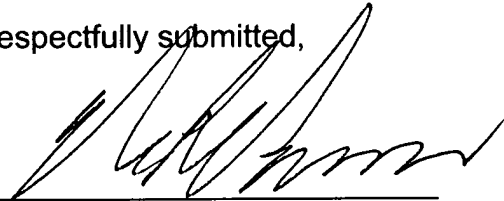
The automatically erectable support structure of FIGS. 5-8 is believed to be generic to all embodiments of the invention and is specifically recited in claims 44-48.

Applicant respectfully suggests that FIGS. 1-3 depict one embodiment of the artificial tree of the invention, FIG. 4 depicts another embodiment of the artificial tree of the invention, and FIGS. 9-12 depict a third embodiment of the artificial tree of the invention. Each embodiment of the invention is erectable using the automatically erectable support structure of FIGS. 5-8.

Claims 1, 2, 4-25 and 44-48 are all believed to read on the invention of FIGS. 1-3. Claims 1, 2, 26-37 and 44-48 are all believed to read on the invention of FIG. 4. Claims 38-48 are all believed to read on the invention of FIGS. 9-12.

Please charge any additional fee that may be required or credit any overpayment to Deposit Account No. 12-1781 of Locke Liddell & Sapp, LLP.

Respectfully submitted,



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February 27, 2006
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